

U.S. Patent Appln. No. 09/919,391
Amendment Dated Nov 12, 2004
Reply to Office Action of Aug 12, 2004
Docket No. BOC9-2000-0084 (219)

REMARKS/ARGUMENTS

These remarks are submitted responsive to the final office action dated August 12, 2004 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

In paragraph 1 of the Office Action, claims 1-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,818,920 to Rignell, *et al.* (Rignell) in view of U.S. Patent Number 6, 574, 486 to Labban (Labban).

In response, Applicants have amended claims 1, 4, 8, 9, and 12 to indicate that the local information can include a location where the receiving handheld device is located, as noted on page 9, lines 6-8 and on page 9, lines 14-21. Claims 2, 5, 10, and 13 have been amended to be consistent with the amended independent claims.

Applicants have also added new claims 16-19 to emphasize details of the present invention expressed in the specification. Specifically, claim 16 is similar to the originally submitted claim 1 where the local information includes a time and one or more of a date, day, and location. Claim 17 specifies that the local information includes a time and two or more of the date, day, and location. Claim 18 specifies that the local information includes a time, date, day, and location. Support for these amendments can be found in on page 9, lines 6-8 and on page 9, lines 14-21.

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Claim 19 specifies that when an originating call source decides to terminate a telephone call, the call can be deferred, thereby resulting in the placing of the call at a more appropriate time as defined by the originating call source. Support for this amendment can be found at page 6, lines 8-13. No new matter has been added as a result of these amendments.

Prior to addressing the rejections on the art, a brief review of the Applicants' invention is in order. The Applicants have invented a method, system, and apparatus for providing call recipient local information for pervasive communication devices. An originating subscriber can attempt to send a message through to a receiving subscriber. Prior to sending the message, for example a mobile, non-voice message such as a text message, the current time at the receiving subscriber location can be determined. The originating subscriber will be notified of the time at the subscriber's location. Based on the time at the subscriber's location, the originating subscriber can decide whether the message should be sent. For example, upon notifying the originating subscriber of the recipient's local time, the system can provide a prompt that allows the originating subscriber to allow the message to be sent or to defer sending the message.

Turning to the rejections, claims 1-15 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Rignell in view of Labban.

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Referring to claims 1, 4, 8, 9, and 12, Applicants have claimed a method, system, and apparatus where an originating source is conveyed to a location where a handheld device is located that is to receive a message from the originating source, before the message is conveyed. Neither Rignell, Labban, nor combinations thereof contemplate sending the originating source a textual message indicating the location of the receiving handheld device.

Instead, as noted by the Examiner, Rignell fails to disclose conveying non-voice messages between two devices. The purpose of Rignell is to convey a time local to a called party to a calling party, so that the calling party can decide whether or not it is appropriate to continue the call. This prevents the called party, who may be in a time-zone different from the calling party, from being disturbed at inconvenient hours (such as at night), as noted at column 1, lines 42-44.

The Examiner has cited Labban as teaching that a non-voice message feature known in the art could increase the flexibility of Rignell. The present invention is distinguishable from teachings of Rignell in view of Labban, as providing location information, which is not taught or suggested by Rignell or Labban.

Applicants note that many textual message receiving devices (un-like telephone devices that require real-time interactions) do not provide a notification of incoming messages such that there is a fear of improperly disturbing a recipient at a bad hour.

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Consequently, providing the location information would not further the disclosed purpose of Rignell.

Instead, a text message sender being notified of the location of the recipient, may wish to change the content of the message to be sent. For example, a friend could be sending an email message asking the recipient if they wanted to go to lunch, which would be irrelevant if the recipient was in a remote location, such as away on a trip. It should be noted that a recipient can be in a location considered remote even though the recipient may be in the same time zone as the originating source. In such a situation, the time local to the recipient would not provide originating source with any indication that the recipient was not local.

Referring to claims 2, 5, 10, and 13, Applicants teach that in addition to providing location information, an originating source can be conveyed a time, day, and date where the receiving device is located. Like the location information, this additional information can be used by the originating source to alter textual correspondence. Rignell, Labban, and combinations thereof fail to teach or suggest that location information plus additional information about a receiving device is to be conveyed to an originating source.

Referring to claim 16, Applicants claim that an originating source can be provided a time and at least one of a date, day and location where the receiving handheld device is located. Rignell, Labban, and combinations thereof only contemplate a time (hour,

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minute, second) being conveyed to an originating source so that a source is not disturbed at an improper hour. No teachings or suggestions of Rignell, Labban, and combinations thereof indicate that additional information should be presented to the originating source.

As noted by the Applicants, the originating source uses presented information to determine an urgency of a call and to determine whether a communication attempt should be continued. Providing a date can be instrumental in determining this urgency as it may remind the originating source that the recipient is in a time zone having a different date, hence deadlines applicable to the recipient may be affected by the time change. Similarly, the day of the week can put the originating source on notice that meeting times, work week-days, and the like may not be the same for the recipient as they are for the originating source.

Referring to claim 17, Applicants claim that an originating source can be provided a time and at least two of a date, day and location where the receiving handheld device is located. Rignell, Labban, and combinations thereof only contemplate a time (hour, minute, second) being conveyed to an originating source.

Referring to claim 18, Applicants claim that an originating source can be provided a time, a date, day, and location where the receiving handheld device is located. Rignell, Labban, and combinations thereof only contemplate a time (hour, minute, second) being conveyed to an originating source.

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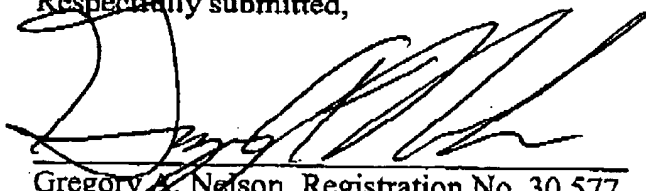
Referring to claim 19, Applicants claim that when the originating call source decides to terminate the telephone call, the telephone call can be deferred, which results in automatically placing the call at an appropriate time as defined by the originating call source. Rignell, Labban, and combinations thereof fail to teach or suggest this limitation.

As Rignell, Labban, and combination thereof do not teach or suggest the Applicants' invention as claimed, withdrawal of the 35 U.S.C. § 103(a) rejection with respect to claims 1-15 is respectfully requested.

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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